

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Merck &amp; Co., et al.

Serial No. 10/507,048

Filed: September 8, 2004

For: DRUG COMBINATION THERAPY

Art Unit: 1614

Examiner: \_\_\_\_\_

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Draine Walsh Date 7/20/05

## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:


RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By: Carol S. Quagliato

Attorney \_\_\_\_\_ For Applicant(s).

Reg. No. 35,330

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-3809

Date: July 20 2005

### STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sincerely,

1

of

2

**Application Number**

10/507.048

**Filing Date**

September 8, 2004

**First Named Inventor**

Cai, et al.

### Group Art Unit

1614

Examiner Name

Attorney Docket Number

21049P

[illegible]

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
			WO 99/48488		Yankner et al.	09/30/1999
			WO 00/28981		Wolozin et al.	05/25/2000
			WO 99/38498		Bisgaier et al.	08/05/1999
			WO 02/096415		Davis et al.	12/05/2002
			WO 01/096311		Robl et al.	12/20/2001
			WO 01/96347		Robl et al.	12/20/2001
			WO 95/06470		Scolnick	03/09/1995
			WO 01/22962		Chao	04/05/2001
			WO 97/16184		Bocan	05/09/1997

Examiner  
Signature

Date  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

**SEND TO:** Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -7/12/2005

Substitute for form 1449B/PTO

# INFORMATION DISCLOSURE

## STATEMENT BY APPLICANT

JUL 22 2005

(use as many sheets as necessary)

Sheet

2

of

2

### COMPLETE IF KNOWN

Application Number 10/507,048

Filing Date September 8, 2004

First Named Inventor Cai, et al.

Group Art Unit 1614

Examiner Name

Attorney Docket Number 21049P

### NON PATENT LITERATURE DOCUMENTS

Examiner  
Initials\*

Cite  
No.

Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.

K. Fassbender, et al., PNAS, Vol. 98, No. 10, pgs. 5856-5861, May 8, 2001.

Examiner  
Signature

Date  
Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., -7/12/2005